

REMARKS/ARGUMENTS

Favorable consideration of this application is respectfully requested. Applicant has made a good faith attempt to amend claims 1, 11 and 20, and canceled claim 7 in order to clarify the subject inventions differences from Cox ('319). Favorable reconsideration of this application, consequently, is earnestly solicited in view of the following remarks. Applicant gratefully appreciates the telephone consultation with the Examiner on October 15, 2004.

Claims 1-8 and 10-20 were rejected under sec. 102b as being anticipated or under sec. 103 as being obvious over Caldwell '624. The Caldwell patent describes an "automatic telephone call origination and retry system and method of operation", title.

The subject independent claims 1, 11 and 20 have been amended to more clearly clarify the novel features of the subject invention. For example, the subject invention claims have been amended to incorporate a novel "two tiered" method of analyzing the detected signal from the answering machines to determine if a "continuous...tone" over one period is detected, and a "silence...response" over another period is detected, wherein the one period and the another period are "different" from one another. Furthermore, the novel invention claims delivering the "recorded information message" to be "launched closer to the time when the answering machine begins recording in a nontruncated form, so that the recorded message is recorded completely by the answering machine....." The subject specification has description for this novel invention on at least pages 1-4, 13 and throughout the drawing figures. Clearly, these novel features are not described, taught, nor suggested by Caldwell. Thus, removal of this reference is respectfully requested.

Claims 1-8 and 1-20 were rejected under sec. 102e as being anticipated by Cox '319. Again, the subject invention claims have been amended to incorporate a novel "two tiered" method of analyzing the detected signal from the answering machines to determine if a "continuous...tone" over one period is detected, and a "silence...response" over another period is detected, wherein the one period and the another period are "different" from one another. Furthermore, the novel invention claims delivering the "recorded information message" to be "launched closer to the time when the answering machine begins recording in a nontruncated form, so that the recorded message is recorded completely by the answering machine....." The subject specification has description for this novel invention on at least pages 1-4, 13 and throughout the drawing figures. Clearly, these novel features are not described, taught, nor suggested by Cox. Thus, removal of this reference is respectfully requested.

As previously noted Cox '319 is NOT capable of determining both conditions. Furthermore, applicant notes that the same Cox '319 reference was cited by the parent application 09/124,697 to the subject application which matured into U.S. Patent 6,324,262. Applicant has also amended independent claims 1, 11 and 20 to more clearly clarify the novel features of the claims which are now similar to those of the previously allowed patent, which applicant believes was encompassed by the previous language in the claims, and which is also clearly encompassed by at least page 1, lines 4-9, of the specification. Furthermore, this similar language was also in the allowed claims of the parent application 09/124,697 to the subject application which matured into U.S. Patent 6,324,262. Again, the parent patent clearly referred to the Cox '319 reference.

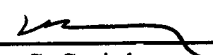
MPEP section 706.04 states that full faith and credit should be given to the action of a previous examiner unless there is clear error in the previous action or knowledge of other prior art. The examiner should not take an entirely new approach or attempt to reorient the point of view of a previous examiner in mere hopes of finding something. *Amgen Inc. v. Hoechst Marion Roussel, Inc.* 126 F. Supp. 2d 69, 139, 57 USPQ 2d 1449(D-Mass 2001).

Applicant respectfully disagrees that modifying the term "and" to be "or" in the previous amendment response made the claims different over the parent patent that was allowed. A careful review of the parent patent 6,324,262, at column 10, lines 15-16, states that in step (e) of claim 12, "detecting from the analyzed signal either a continuous tone or a period of silence..." Clearly, the "or" term was allowed by the patent office in the parent patent application in a clause that appears as broad as if not more broad than that claimed in the subject invention. Thus, removal of the objection as to using the term "or" is respectfully requested.

Applicant respectfully requests the subject invention be passed onto allowance. Again, applicant has made a good faith attempt to amend the subject claims to more clearly clarify the allowable subject matter. The Examiner is requested to contact the undersigned if they believe there are still issues that would prevent the subject application from being allowed.

Respectfully Submitted,

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